

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
PES HOLDINGS, LLC, <i>et al.</i> ,)	Case No. 19-11626 (LSS)
Debtors.)	(Jointly Administered)
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PES HOLDINGS, LLC, <i>et al.</i>)	
Plaintiffs,)	Adversary Proceeding
v.)	Case No. 20-50454 (LSS)
ALLIANZ GLOBAL RISKS US INSURANCE CO., <i>et al.</i>)	
Defendants.)	

SCHEDULING ORDER

To promote the efficient and expeditious disposition of adversary proceedings, the following schedule shall apply to each of the above-captioned adversary proceedings.

IT IS HEREBY ORDERED that:

1. Federal Rule of Civil Procedure 26(a)(1) Initial Disclosures. Plaintiff and Defendant Insurers made their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), made applicable to the Adversary Proceeding pursuant to Federal Rule of Bankruptcy Procedure 7026, by April 14, 2020. ICBCS as Intervening Plaintiff made its initial disclosures by May 5, 2020.

2. Document Requests. The parties shall serve their initial requests for the production of documents to the other parties by May 20, 2020.

3. Document Production. Plaintiff PES and Defendant Insurers shall complete their production of documents responsive to the other parties' requests by August 7, 2020. Intervening Plaintiff ICBCS shall complete its production of documents responsive to the other parties' requests by September 4, 2020.

4. Fact Discovery Cut-Off. All fact discovery will be completed on or before December 15, 2020. Unless otherwise ordered by the Court or agreed to by the parties, pursuant to Local Rule 7016-1(b)(ii), the limitations on discovery set forth in District Court Local Rule 26.1 shall be strictly observed. Any request to add additional depositions beyond the 10-per-side permitted by Federal Rule of Civil Procedure 30 shall be subject to a meet and confer between the parties and, if necessary, a motion with the Court.

5. Disclosure of Expert Testimony. The parties shall serve their initial Federal Rule of Civil Procedure 26(a)(2) disclosures of expert testimony or before December 22, 2020, for any issue on which they bear the burden of proof. If applicable, the parties shall file a supplemental disclosure to contradict or rebut evidence on the same subject matter identified by another party on or before January 22, 2021. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B).

6. Expert Discovery Cut-Off: All expert discovery, including depositions, will be completed on or before March 5, 2021.

7. Dispositive Motion Deadline: Pursuant to Local Rule 7007-1, the following deadlines shall apply to the filing and briefing of dispositive motions: All dispositive motions shall be filed and served by no later than five (5) days after the close of expert discovery

(currently, March 10, 2021), pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure. Opposition papers shall be filed and served twenty (20) days later (currently, March 30, 2021). Reply papers shall be filed and served ten (10) days later (currently, April 9, 2021).

8. Exhibit and Witness Lists. The parties shall exchange their exhibit and witness lists for trial no later than April 16, 2021.

9. Pretrial Conference. A final pre-trial conference in accordance with Local Rule 7016-2(a) is April 16, 2021.

10. Joint Pre-Trial Memorandum. The parties shall comply with the General Order Governing Pretrial Procedures in Adversary Proceedings Set for Trial Before Judge Laurie Selber Silverstein. The parties shall file, no later than five (5) business days prior to the date set for Trial, their Joint Pretrial Memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Silverstein's chambers.

11. Trial. Trial will begin on April 26, 2021.

12. The parties anticipate that there may be a need to expand the number of depositions beyond the 10 provided for in the Federal Rules due to the number of parties and the complexity of the issues. However, the parties have agreed that they will address this issue when the need arises and will either agree to expand the number of depositions or petition the court.

13. The parties are separately negotiating discovery and ESI protocols.

14. The parties intend that the Order Approving Confidentiality Agreement and Stipulated Protective Order (ECF Doc. 810) will apply in this Adversary Proceeding.